

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| TRUSTEES OF THE SUBURBAN TEAMSTERS | ) |                            |
| OF NORTHERN ILLINOIS WELFARE AND   | ) |                            |
| PENSION FUNDS,                     | ) |                            |
|                                    | ) |                            |
| Plaintiffs,                        | ) |                            |
|                                    | ) | No. 08 C 1905              |
| v.                                 | ) |                            |
|                                    | ) | Judge Coar                 |
| RISKUS & GRANDT, INC.,             | ) |                            |
| an Illinois corporation,           | ) | Magistrate Judge Schenkier |
|                                    | ) |                            |
| Defendant.                         | ) |                            |

MOTION FOR ENTRY OF DEFAULT AND ORDER  
COMPELLING PRODUCTION OF RECORDS

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pursuant to the provisions of Rule 55(a)(2) of the Federal Rules of Civil Procedure, moves this Court to enter an Order of Default Judgment against Defendant, RISKUS & GRANDT, INC.;

1. Suit was filed on April 3, 2008 for collection of delinquent contributions, attorneys' fees, costs and interest under 29 U.S.C. 1132(g)(2).

2. Corporate service upon the Defendant, RISKUS & GRANDT, INC., an Illinois corporation, through the Illinois Secretary of State was made on May 13, 2008 and a copy of the proof of service was filed with the court on May 18, 2008.

3. On May 18, 2008, Plaintiff's attorney forwarded a letter to Mr. George Riskus, President, Riskus & Grandt, Inc. enclosing a copy of the Affidavit of Compliance for Service on Secretary of State and Alias Summons filed with the Illinois Secretary of State on May 13, 2008 (Exhibit "A").

4. Defendant's time to plead ran June 3, 2008 and no Answer has been made on its behalf.

5. Plaintiffs' Complaint seeks an audit of the books and records of RISKUS & GRANDT, INC., for the period February 1, 2006 through the present time.

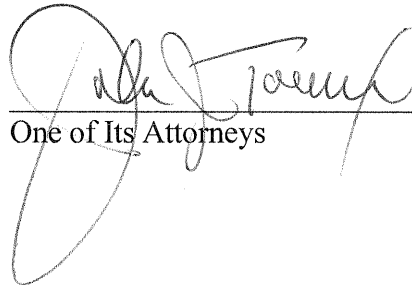
6. Production of these books and records is necessary to enable Plaintiffs to prove up a judgment in an amount certain.

WHEREFORE, Plaintiffs, pursuant to the provisions of Rule 55(a)(2) of the Federal Rules of Civil Procedure, move this Court to:

- A. Enter an Order of Default against Defendant, RISKUS & GRANDT, INC.
- B. Order Defendant to produce its books and records to Plaintiffs' accountant, within 21 days, to perform an audit for the period February 1, 2006 through the present time.
- C. Grant Plaintiffs any other relief deemed equitable and just under the circumstances.

TRUSTEES OF THE SUBURBAN  
TEAMSTERS OF NORTHERN ILLINOIS  
WELFARE AND PENSION FUNDS

By:

  
One of Its Attorneys

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

**EXHIBIT A**

LAW OFFICES

**ARNOLD AND KADJAN**

19 WEST JACKSON BOULEVARD

**CHICAGO IL**

60604-3958



TELEPHONE (312) 236-0415

FAX # (312) 341-0438

PLEASE REFER TO  
OUR FILE NUMBER

HUGH B. ARNOLD  
DANIEL N. KADJAN  
JOHN J. TOOMEY  
L. STEVEN PLATT  
JOHN F. ETZKORN  
DONALD D. SCHWARTZ  
STEVEN F. McDOWELL

JAMES R. ANDERSON  
PAIGE E. ARNOLD  
PAUL M. EGAN  
ANTHONY B. SANDERS  
PHILIP BRZOZOWSKI  
SHANE C. LUEDKE

May 18, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED and  
REGULAR MAIL  
Mr. George Riskus  
President  
Riskus & Grandt, Inc.  
9660 Pacific Court  
Burr Ridge, Illinois 60527

Re: Trustees of the Suburban Teamsters v.  
Riskus & Grandt, Inc.  
an Illinois corporation  
Case No.: 08 C 1905

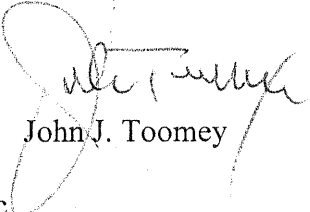
Dear Mr. Riskus:

Enclosed please find a copy of an Affidavit of Compliance for Service on Secretary of State and Alias Summons filed with the Illinois Secretary of State on May 13, 2008 in the above matter. I have also enclosed a copy of the Complaint at Law.

Yours truly,

ARNOLD AND KADJAN

By:

  
John J. Toomey

JJT:cc

Enclosure

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

60499 Riskus  
President  
Riskus + Grandt Inc.  
9660 Pacific Court  
Buck Ridge FL  
6058

## 2. Article Number

(Transfer from service label)

7002 2030 0001 0262 6698

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X

☐ Agent☐ Addressee

## B. Received by (Printed Name)

J. KSYCKI / PROTECH SECURITY

## C. Date of Delivery

5-21-08

## D. Is delivery address different from item 1?

☐ Yes

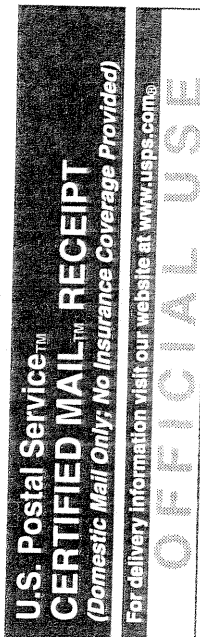
If YES, enter delivery address below:

☒ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

|  |    |
|--|----|
| Postage  | \$ |
| Certified Fee                                  |    |
| Return Receipt Fee (Endorsement Required)      |    |
| Restricted Delivery Fee (Endorsement Required) |    |
| Total Postage & Fees                           | \$ |

Postmark Here

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

See Reverse for Instructions

PS Form 3800, June 2002

8699 2920 1000 0E02 2002

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS )  
OF NORTHERN ILLINOIS WELFARE AND )  
PENSION FUNDS, )

Plaintiffs, )

v. )

RISKUS & GRANDT, INC., )  
an Illinois corporation not in good standing, )

Defendant. )

No. FILED: APRIL 3, 2008

08CV1905 PH

Judge JUDGE COAR

MAGISTRATE JUDGE SCHENKIER

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, RISKUS & GRANDT, INC. an Illinois corporation not in good standing, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

**PARTIES**

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) RISKUS & GRANDT, INC. an Illinois corporation not in good standing, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) RISKUS & GRANDT, INC. is an Illinois corporation not in good standing, with its principal place of business at Chicago, Illinois.

(c) RISKUS & GRANDT, INC. an Illinois corporation not in good standing, is an employer engaged in an industry affecting commerce.

4. RISKUS & GRANDT, INC. an Illinois corporation not in good standing, entered into Agreements with Teamsters 179 for periods from February 1, 2006 through the present which require contributions to the Funds pursuant to 29 U.S.C. 1145.

5. Pursuant to the terms of the contract and the trust agreements establishing the Funds, Employer is required to make its books and records available to the Funds for audit.

6. The Funds have attempted to obtain the books and records of the Defendant for an audit for the period February, 2006 through December, 2007. The Funds' auditor has written and repeatedly telephoned the company and received no response.

7. Without an order directing an audit be performed and delinquencies paid thereunder, Plaintiffs are unable to fulfill their fiduciary duties under the Plan.

8. The amount presently due cannot be ascertained without an audit.

WHEREFORE, Plaintiffs pray:

A. That the Court order an audit of Defendant's books and records for the period February, 2006 through the present to determine the actual amounts due and owing.

B. That judgment be entered against the corporation and in favor of the Plaintiffs in the amount shown to be due under the audit.

C. That the Plaintiffs be awarded all relief provided for under 29 U.S.C. 1132(g)(2) including interest, 20% liquidated damages, costs and attorneys' fees.

D. That the Court enjoin the corporation from operation without making the Fund whole for its past delinquencies, and the grant of security for its current contributions.

E. Such other relief as the Court may deem appropriate..



TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By: \_\_\_\_\_

One of its Attorneys

John J. Toomey  
ARNOLD AND KADJAN  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

Riskus & Grandt Inc.

## TEAMSTERS LOCAL 179

An Affiliate of the  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

### OWNER OPERATOR / AREA CONSTRUCTION AGREEMENT



JUNE 1, 2006 THROUGH MAY 31, 2009

MAR. 1. 2006 2:30PM TEAMSTERS LOCAL 179

NO. 419 P. 9

## FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY: John A. WhiteTITLE: PresidentDATE: 2/3/06

FOR THE COMPANY

COMPANY: Riskus & GrandtADDRESS: 1119 W. 47th Place  
Chicago, IL 60609  
City State ZipPHONE: 773-837-0988FAX: 708-594-2065BY: John A. WhiteTITLE: onesDATE: 2-1-06

42

## ADDENDUM 1.

Uniform Drug/Alcohol Abuse Policies

Teamsters of Teamsters

The  
are requ  
than oneIt is  
Drug/A  
Federal  
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ConstrIt  
Emple  
shall  
ArticlJoseph Grandt  
353-58-6694

## PARTY OF THE FIRST PART:

Contractors Assn. WGC  
CompanyBy: John A. White

By: \_\_\_\_\_

## PARTY OF THE SECOND PART:

Teamsters Local 179  
UnionBy: John A. White

By: \_\_\_\_\_

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|   |  |   |
|---|--|---|
| Form <b>BCA-5.25</b><br>(Rev. Jan. 2003)  | <b>AFFIDAVIT OF COMPLIANCE<br/>FOR SERVICE ON<br/>SECRETARY OF STATE</b>   | File # <u>61927077</u>  |
| Jesse White<br>Secretary of State<br>Department of Business Services<br>Springfield, IL 62756<br>Telephone (217) 524-6748<br>www.cyberdriveillinois.com | <div style="font-size: 2em; font-weight: bold; transform: rotate(-5deg);">FILED</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-5deg);">MAY 13 2008</div> <div style="font-weight: bold; transform: rotate(-5deg);">JESSE WHITE<br/>SECRETARY OF STATE</div> | <b>SUBMIT IN DUPLICATE</b>  |
| <i>Remit payment in check or money<br/>order, payable to "Secretary of State."</i>  |  | This space for use by<br>Secretary of State<br><br>Date <u>5/13/08</u><br>Filing Fee \$10.00<br>Approved: <u>JM</u> |

1. Title of the case and number of the case:  
 Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds first named plaintiff  
 v.  
 Riskus & Grandt, Inc., an Illinois corporation first named defendant  
 not in good standing  
 Number 08 C 1905
2. Name of the corporation being served: Riskus & Grandt, Inc., an Illinois corporation not in good standing
3. Title of the court in which an action, suit or proceeding has been commenced: U. S. District Court for the Northern District of Illinois
4. Title of the instrument being served: Alias Summons and Complaint
5. Basis for service on the Secretary of State (Check and complete appropriate box):
- a. ☒ The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
  - b. ☐ The corporation has failed to appoint and maintain a registered agent in Illinois.
  - c. ☐ The corporation was dissolved on \_\_\_\_\_, \_\_\_\_\_; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within 5 years thereafter.
  - d. ☐ The corporation's certificate of authority to transact business in Illinois has been (withdrawn)/(revoked) on \_\_\_\_\_, \_\_\_\_\_.
  - e. ☐ The corporation is a foreign corporation that has transacted business in Illinois without procuring a certificate of authority, contrary to the provisions of the Business Corporation Act of 1983.
6. Address to which the undersigned has caused a copy of the attached process, notice or demand to be sent, by certified or registered mail: Riskus & Grandt, Inc., an Illinois corporation not in good standing, c/o Its Registered Agent, Joseph V. Grandt, 1119 W. 47th Place, Chicago, IL 60629
7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

John J. Toomey May 9 2008  
 Signature of Affiant Month & Day Year  
 ( 312 ) 236-0415  
 Telephone Number

RETURN TO: PLEASE TYPE OR PRINT CLEARLY

John J. Toomey  
Arnold and Kadian  
 Name  
19 W. Jackson Boulevard, Suite 300  
 Street  
Chicago, Illinois 60604  
 City/Town State ZIP

**TENDERED CHICAGO  
CORP. DEPARTMENT**

**MAY 13 2008**

ACCEPTANCE AND "FILED" DATE  
ESTABLISHED ONLY AFTER  
REVIEW

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
ALIAS SUMMONS IN A CIVIL CASE

TRUSTEES OF THE SUBURBAN  
TEAMSTERS OF NORTHERN ILLINOIS  
WELFARE AND PENSION FUNDS,

v.

RISKUS & GRANDT, INC., an Illinois  
corporation not in good standing

) Docket Number: 08 C 1905  
)  
) Judge Coar  
)  
) Magistrate Judge Schenkier  
)  
)  
)

**RECEIVED**

**MAY 13 2008**

TO: (Name and address of defendant)

RISKUS & GRANDT, INC.,  
an Illinois corporation  
not in good standing  
c/o Secretary of State  
69 W. Washington Street  
Suite 1240  
Chicago, Illinois

ST WHITE  
SECRETARY OF STATE

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY  
ARNOLD AND KADJAN  
19 W. Jackson Boulevard, Suite 300  
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

\_\_\_\_\_  
Michael W. Dobbins, Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
(by) Deputy Clerk

**Service of Process:**

1:08-cv-01905 Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Riskus & Grandt, Inc.

SCHENKIER

**United States District Court**

**Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3**

**Notice of Electronic Filing**

The following transaction was entered by Toomey, John on 5/16/2008 at 9:26 AM CDT and filed on 5/16/2008

**Case Name:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds v. Riskus & Grandt, Inc.  
**Case Number:** 1:08-cv-1905  
**Filer:** Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds  
**Document Number:** 7

**Docket Text:**

**AFFIDAVIT of Service filed by Plaintiff Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds regarding Alias Summons, Affidavit of Service on Secretary of State served on Illinois Secretary of State on May 13, 2008 (Toomey, John)**

**1:08-cv-1905 Notice has been electronically mailed to:**

John Joseph Toomey jtoomey100@hotmail.com

**1:08-cv-1905 Notice has been delivered by other means to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1040059490 [Date=5/16/2008] [FileNumber=4806535-0]  
] [33cc045b985bd638c12358b4e2179e07fe9572c0f6514789c6d30a28db1349d8b81  
e38392f49f20d7e39ad48f2f4e2a7419703cb58b5f9c175149beabb990073]]

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| TRUSTEES OF THE SUBURBAN TEAMSTERS | ) |                            |
| OF NORTHERN ILLINOIS WELFARE AND   | ) |                            |
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|                                    | ) |                            |
| Plaintiffs,                        | ) |                            |
|                                    | ) | No. 08 C 1905              |
| v.                                 | ) |                            |
|                                    | ) | Judge Coar                 |
| RISKUS & GRANDT, INC.,             | ) |                            |
| an Illinois corporation,           | ) | Magistrate Judge Schenkier |
|                                    | ) |                            |
| Defendant.                         | ) |                            |

**ORDER OF DEFAULT  
AND PRODUCTION OF RECORDS**

This cause coming on to be heard on Plaintiff's Motion for Entry of Order of Default and requiring production of records by RISKUS & GRANDT, INC., all parties having been sent appropriate notice, and the Court being fully apprised in the matter,

IT IS HEREBY ORDERED:

1. Defendant is found to be in default for failing to have answered the Complaint.
2. Defendant, RISKUS & GRANDT, INC., is ordered to submit the following books and records to Plaintiffs for February 1, 2006 to the present within 21 days:
  - A. All cash disbursement journals;
  - B. All individual payroll records.
  - C. All time records which are the basis of the above-mentioned individual payroll records;
  - D. All state unemployment payroll tax returns;
  - E. All state and federal certified payroll forms;



F. All union pension and welfare fund records or other records showing fringe benefit contributions on behalf of any employees;

G. All other relevant records which would tend to show compliance with the terms of the Trusts;

H. All federal and state payroll income returns; including, but not limited to 1099, W-2 and/or UCC 3, 1120 and 1065 forms;

I. All documents which show or which tend to indicate ownership in any company, regardless of its status as a corporation or partnership, which performs, in whole or in part, work for which construction or general laborers would be employed;

J. The corporate books and records of any corporation owned by the Defendant.

K. The partnership books and records of any partnership owned by the Defendant.

Date:

Entered:

---

JUDGE COAR